HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.27463 of 2005

DATE: 03.09.2007

Between:

M. Lingam, S/o Jangaiah and 6 others

…. Petitioners

And:

Government of Andhra Pradesh, Revenue Department, represented by its Principal Secretary, Secretariat Buildings, Hyderabad and another

…. Respondents

ORDER:

This writ petition has been filed for a writ of Certiorari to set aside the orders of respondent No.2 in proceedings No.E1/5417/1998, dated 4.10.2005 and to declare the said proceedings as arbitrary, illegal and unconstitutional.

Respondent No.2 issued a show cause notice dated 17.4.2000 to the writ petitioners to show cause why they shall not be evicted from the lands in dispute situated in Survey No.12 situated at Nirdavelli village, Keshampet Mandal, Mahabubnagar District. After receiving the explanation from the writ petitioners, respondent No.2 passed the impugned order on 4.9.2005, whereby while rejecting the plea of the petitioners that they are absolute owners of land in Survey No.12, he directed the Mandal Revenue Officer, Keshampet to evict the petitioners from the said land.

At the hearing, Sri P. Panduranga Reddy, learned counsel, representing Sri S. Niranjan Reddy fairly admitted that against the order impugned in this writ petition, a remedy of appeal under Section 10 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') is available. Since the remedy of appeal is considered to be an efficacious alternative remedy, a writ petition is ordinarily not entertained, and the petitioner failed to make out a case for this Court to entertain this writ petition by deviating from this normal rule. I, therefore, deem it appropriate to dispose of the writ petition, giving liberty to the writ petitioners to file an appeal under Section 10 of the Act. If the writ petitioners file an appeal within a period of 4 weeks from today, the District Collector, Mahabubnagar shall entertain the same and dispose it of on merits after affording an opportunity of hearing to the writ petitioners. For a period of six weeks, status quo obtaining as on today shall be maintained and it shall be open to the petitioners to seek appropriate orders from the District Collector in the appeals to be filed by them.

Accordingly, the writ petition is disposed of. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 03.09.2007

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